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NEW YORK TIMES

As Listener and Saleswoman, E.P.A. Chief Takes to the Road for Climate Rules

Here on this wind-whipped prairie pocked with strip mines, Ms. McCarthy, the administrator of the Environmental Protection Agency, faced 20 coal miners, union workers and local politicians deeply suspicious of the new climate change regulations she had come to pitch. The Obama administration hopes the regulations will help save the planet, but the North Dakotans say the rules will put coal and their livelihoods at risk. "Folks in this room think that E.P.A. says 'hell no' to coal," said Senator Heidi Heitkamp, the North Dakota Democrat who had invited Ms. McCarthy to the state. Michael Ness, the local school superintendent, warned of consequences. "About 60 percent of kids in our school have parents who work in coal," he said. Julie Fedorchak, the head of the state's Public Service Commission, weighed in too. "There's a huge chilling effect just with the discussion of these rules," she said. Ms. McCarthy took off her glasses, looking weary, but responded gamely in a thick Boston accent. "You guys are great!" she said. "You're hitting all the issues, and I appreciate your frankness." The group laughed — and then the complaints kept coming. Ms. McCarthy is the chief architect and emissary of President Obama's plan to fight climate change. At its heart are a pair of divisive E.P.A. regulations that are to set new limits on carbon pollution from coal-fired power plants — the chief source of greenhouse gas emissions in the United States — and potentially establish Mr. Obama as the first American president to take aggressive action to stop global warming. But the rules could also be so stringent that they shut down large numbers of plants and imperil mining jobs. Republicans and the coal industry say the actions amount to a war on coal, and they are mounting a legal and legislative battle to fight them. It is the job of Ms. McCarthy, a veteran state environmental regulator with a salty sense of humor and a history of negotiating with polluting industries, to tamp down that wildfire, even while she oversees the writing of the regulations. So she has been on regular cross-country road trips that are both listening tour and sales pitch. "What she's doing now is one part reassurance, one part data gathering, one part building a community," said John D. Podesta, a counselor to Mr. Obama, who meets weekly with Ms. McCarthy to discuss the progress of the climate plan. The trips are a new tactic for the E.P.A. and Ms. McCarthy, who acknowledges that she is campaigning for a cutting-edge set of rules that are a tough sell in large parts of the country. "It's not like anything we've seen before," she said over a beer at a wood-paneled steakhouse in downtown Bismarck. "We will be under intense political scrutiny." She is also under intense pressure from the White House, where Mr. Obama has made the climate change rules a top priority — and where senior officials remind

Ms. McCarthy that they are eager to avoid a repeat of the disastrous rollout of Mr. Obama's health care law. Ms. McCarthy said she thought "all the time" about the health care rollout. The E.P.A. is rolling out the two rules on a brisk schedule, with them timed to be completed by the end of Mr. Obama's presidency. In September, Ms. McCarthy announced the draft of the first rule, which would limit carbon pollution from future power plants. The agency is now taking public comments on that proposal, even as experts say it has already frozen construction of new coal-fired power plants. In June, Ms. McCarthy will unveil the draft of the second rule, which is to be an even more aggressive regulation requiring cuts in emissions at existing coal-fired power plants. Depending on how it is written, the rule could close hundreds of the most polluting plants. Mr. Obama has directed Ms. McCarthy to issue a final version of both rules by June 2015, and to give states until mid-2016 to submit compliance plans. As with the health care law, the success or failure of the regulations will largely depend on how states respond to them. While the E.P.A. will issue a broad federal standard aimed at cutting carbon pollution, each state will be directed to come up with its own plan to carry out the rules. The goal is to give each state the flexibility to devise its own plan — which also creates the risk that coal-heavy states, and those governed by Republicans who object to the climate rules, could simply refuse to put the rules in place. States might also sue the E.P.A. or find other ways to block or delay the rules. Already, Nebraska has filed suit against the rules, and the E.P.A. anticipates that more lawsuits are on the way. "No matter what I do, I will get sued," Ms. McCarthy likes to say. But she hopes that her visits will at least smooth the way in some states. So far, she and other E.P.A. officials have held listening sessions in 11 cities aimed at gathering information to help shape the regulations. In Iowa, she went with Gov. Terry E. Branstad, a Republican, to the state fair, where they talked about how the rules might affect farmers. In Houston, the heart of the fossil fuel industry, she spoke at an energy conference and met with top officials from many of the nation's biggest oil, gas and coal companies. "Personality matters a lot," she said. "Why do you think I'm everywhere? People have to have a relationship with me." But she has been sharply criticized for avoiding states where coal is central to the economy. Ms. McCarthy went to North Dakota only at the invitation of Ms. Heitkamp, and she has no plans to travel to the nation's top three coal-producing states: Wyoming, Kentucky and West Virginia. "After watching her so-called listening tour, I think she only listened to what she wanted to hear," said Senator John Barrasso, Republican of Wyoming. "She seems to intentionally steer clear of areas where coal is produced." Part of the strategy behind Ms. McCarthy's itinerary is an effort to warm up voters before anticipated political attacks on the climate rules. In this fall's midterm elections, Republican campaigns plan to sharply criticize the rules, and the lawmakers who support them, in ads against what they call the president's war on coal. Coordinating the E.P.A.'s defense is Thomas Reynolds, a communications operative who was the director of local and regional media for Mr. Obama's 2012 re-election campaign, and who has his sights set on coverage of Ms. McCarthy's visits in newspapers in politically important states like Ohio, Iowa and Colorado. Ms. McCarthy's visit to North Dakota was on the front page of The Bismarck Tribune. So is the campaign working? After meeting with Ms. McCarthy in Beulah, Carroll Dewing, the president of Coteau Properties, a North Dakota mine, who wore a gold lapel pin reading "coal," pronounced himself impressed. "It's not what I expected," he said. "The president has said he will bankrupt the coal industry, and she represents the president, but she said she doesn't want to kill coal. If what she said is what we actually see in the regulations, it might be something we can work with." Gov. Jack Dalrymple of North Dakota, a Republican, was also impressed after he met with her on her trip. "Her accent is one of the most authentic I've ever heard," he said.

“And I personally always appreciate anyone who’s easy to talk to.” But will her efforts keep North Dakota from suing the E.P.A. over its climate rules? Mr. Dalrymple noted that his state already had about 20 active lawsuits against the E.P.A. “We have to keep in mind, in this world of environment and energy issues, unfortunately, quite often, attorneys get involved,” he said.

PHILADELPHIA INQUIRER

Christie names 3 to dormant water panel

For more than three years, environmental groups complained that Gov. Christie's administration had killed off an independent state board that makes recommendations on levels of pollutants allowed in drinking water. They cited it as an example of the Republican governor's withholding state board appointments to control policy debate. This week, the administration defused some of the criticism when it revealed that the New Jersey Drinking Water Quality Institute is being reconstituted with the addition of three new appointees. It will start meeting again in April. The Drinking Water Quality Institute, formed under a 1983 law, has long been watched closely by industry and environmental groups. Its last meeting was in September 2010, when a subcommittee proposed that limits be considered on how much perfluorooctanoic acid, or PFOA - a chemical used to make everything from Teflon to waterproof clothing - should be permitted in the water supply. The request upset the Chemistry Council of New Jersey, a group that represents manufacturers that use chemicals. The month after the proposal, the council complained to the state Department of Environmental Protection. The Associated Press recently obtained dozens of communications between the industry group and the DEP concerning drinking water standards and the institute. The correspondence showed that the Chemistry Council repeatedly sought and received meetings with officials to discuss the institute's structure. The AP also requested similar communications between the DEP and environmental leaders, but the state said there were no similar letters from environmentalists. Both the council and the DEP denied in interviews this week that the complaint had anything to do with the halt in the institute's work. DEP spokesman Larry Ragonese said vacancies on the 15-member board were not filled mostly because the state was busy dealing with the aftermath of a pair of damaging storms: Irene in August 2011 and Sandy in October 2012. "There have been some environmental groups yelling about this for the last year and a half, and they see this as a nefarious plan to not care about water quality," he said. "We've made some progress in water quality." There is currently no enforceable limit for PFOA in New Jersey, but the state set an advisory limit of .04 parts per billion back in 2007. That guideline is 10 times as restrictive as a federal advisory that came out in 2009. "It was clear the administration didn't want to develop a standard for PFOA," said David Pringle, the campaign director for the New Jersey Environmental Federation, a former member of the institute and a former Christie supporter. "The easiest way to do that without embarrassing the administration was for the institute to not meet." Ragonese said Thursday that the institute's agenda was still being planned, and he did not know whether the group would be asked to look at PFOA. He said the state has been waiting for additional guidance from the federal government before setting limits on the chemical. Last week, however, the state posted a notice seeking public input on regulation of a related chemical, PFNA, which has been found in the water supply in Paulsboro. While the institute was left to languish, the DEP ramped up a different panel started when Gov. Jon S. Corzine was in office: the Science Advisory Board. One advisory board committee is tasked with studying water quality issues. But unlike the institute, it is not required by law and its meetings are not open to

the public. The institute is one of nearly 500 boards, commissions and authorities to which New Jersey's governor is supposed to make appointments. Some Democratic lawmakers have complained that Christie has not made appointments to the Study Commission on Violence created by a law he signed in August requiring the commission be seated within 30 days. And courts have blocked his effort to dissolve the Council on Affordable Housing. In a letter to the DEP commissioner sent in October 2010, the Chemistry Council's executive director, Hal Bozarth, spelled out the industry's objections to the way the institute operated. It called for "an open and transparent regulatory process, a reliable science-based process for the regulation of chemicals" - one that would include earlier and formalized input from regulated industries. The letter said the institute was not following sound science. As a prime example, he cited how a month earlier a subcommittee called for discussion on limits on perfluorooctanoic acid even though DEP scientists had not finished a review on the chemical. PFOA emerged as a concern for federal environmental regulators in the late 1990s when researchers found it was creating developmental problems in laboratory animals and was being found in the blood of humans. In 2006, eight companies - including three Chemistry Council members - agreed to phase out its use by 2015. One of the firms - DuPont - agreed to pay \$8 million in 2011 to settle a lawsuit with residents of Salem County who complained of PFOA in their water. A company spokeswoman says DuPont no longer uses PFOA.

BALTIMORE SUN

Across from Harbor Point, an unofficial air-monitoring effort

Ana Rule stepped onto a balcony outside the Inn at the Black Olive Sunday morning to check the first results of an unusual air-monitoring effort — one intended to make sure official monitoring across the street is accurate. The hotel in Baltimore's Fells Point overlooks Harbor Point, the planned \$1.8 billion mixed-use development on land where a factory once processed chromium. Contaminated soil — capped years ago to keep the toxic chemicals under control — would be temporarily exposed during the early part of the work there. Environmental regulators gave approval several weeks ago for Harbor Point developer Beatty Development Group to begin collecting air samples in the run-up to construction, and monitoring would continue while work is underway. But Stelios Spiliadis, who owns the Black Olive restaurant and whose son operates the inn, said he's not comfortable relying on the official effort. That's how air-monitoring equipment ended up on the balcony, set up by Rule, a Johns Hopkins Bloomberg School of Public Health research associate whose expertise is air quality. "I hope that the developer, knowing that we are going to try to keep him honest, stays honest," Spiliadis said. Marco Greenberg, vice president for the Baltimore-based Beatty Development, said by email Sunday the U.S. Environmental Protection Agency and the Maryland Department of the Environment "have conducted rigorous reviews of the air monitoring methodology and procedures to be used at Harbor Point, which will utilize best practices and the latest science." "The agencies have indicated that their approval of the construction air monitoring plans, which must be obtained before construction can begin, will come this week," he said. "During construction, all air monitoring will be done under the supervision of both EPA and MDE, and they will make frequent visits to the site." Greenberg said "field work for the baseline monitoring has been completed," and data would be submitted to EPA and MDE this week. A spokeswoman with the state Department of the Environment could not be reached Sunday. Harbor Point plans are for

office buildings — including energy firm Exelon Corp.'s new regional headquarters — along with stores, residences and a hotel. Rule began monitoring general pollution levels in the area Friday afternoon and expects to set up equipment specifically to monitor chromium this week. Like the official monitors, hers are gathering baseline information — air quality before Harbor Point construction begins. She can analyze the filters collecting general information on pollution levels, but the chromium samples will be sent to Rutgers University in New Jersey, another state with headaches associated with former chromium plants. The Rutgers work will cost \$150 a sample. Rule said she hopes to take two or three a week and continue until work involving Harbor Point's contaminated soil is finished, but that's still to be determined. Spiliadis, who anticipates total expenses of around \$5,000 or \$6,000, agreed to take responsibility. He said he plans to hold fundraisers at his restaurant to defray the cost — he pointed out with a sardonic grin that none of the roughly \$400 million in public subsidies for Harbor Point are coming his way. Rule has monitored air in Turners Station, a Baltimore County neighborhood concerned about pollution. She got involved in the monitoring at the Black Olive after Spiliadis shared his concerns with Johns Hopkins staffers. They sat in the Black Olive inn's cafe Sunday morning, Spiliadis listening as Rule explained why it's "very hard" to accurately measure chromium in the air. It comes in two common forms: trivalent chromium, an essential trace element, and hexavalent chromium, a cancer-causing form. The dangerous form was used in the processing plant, but it can show up as its cousin on air monitors thanks to reactions with acids in the atmosphere, Rule said. Unfortunately, "when you breathe it, it's the way that it is in the air — which is hexavalent," she said. "So you see why I'm scared?" Spiliadis put in. Rule said Rutgers adds steps to the EPA's chromium-measurement method "to make extra sure that the final results are what was in the air." "We don't want to be alarmist or anything, but we want to make sure we do the right thing and we are sampling with the best possible technology," Rule said. She then checked on the equipment, pulling out filters full of particulate matter collected since about 5 p.m. Friday. She can analyze those herself for overall pollution levels and total chromium, but not whether that chromium is hexavalent or trivalent. She picked up one filter to show just how dirty it got in less than 48 hours. That's a baseline — the Fells Point air as it is before construction kicks off. Spiliadis said the Black Olive inn was constructed with air quality in mind, including no paint on the walls so guests would not breathe in fumes. He said he was thinking of customers when he decided to monitor whether Harbor Point changes the air. It might all turn out fine, Rule told Spiliadis. In that case, the monitoring would simply confirm the official readings. "Then I would be able to sleep well," Spiliadis said.

MORNING CALL

Anti-fracking activist banned from Pennsylvania land heads to court

HARRISBURG, Pennsylvania (Reuters) - An anti-fracking activist is set to ask a Pennsylvania judge on Monday to lift an injunction that bars her from her local hospital, grocery and other properties that sit atop vast lands leased by a Texas-based company for shale gas extraction. A five-month-old injunction prohibits Vera Scroggins, 63, of Brackney, Pennsylvania, from setting foot onto 40 percent of Susquehanna County that is leased by Cabot Oil and Gas . At Monday's hearing in Susquehanna County Court of Common Pleas in Montrose, Pennsylvania, Scroggins and her lawyers from the Pennsylvania ACLU and Public Citizen in Washington, D.C. , will argue that the injunction was legally flawed, unconstitutional, and set a dangerous precedent by

making much of the region where she lives off limits. Judge Kenneth Seamans, who issued the injunction in October at the request of Cabot, will rule on the request.

"In the company's view, the right to extract gas also includes the right to control the movements of an individual protesting the company's activities," Scroggins said in court documents. "In short, the right to extract gas is, according to the company, also the right to banish." Scroggins is known for recording anti-fracking video footage, some of which was used in "Gasland," an Oscar-nominated documentary by Josh Fox. Fracking is the controversial process of injecting water, chemicals, and sand into the underground shale formation to extract oil and gas. It has brought about a gas boom in recent years in northeastern Pennsylvania, but also concerns about its impact on the environment. According to Cabot, Scroggins engaged in at least 11 incidents of trespassing to make her anti-fracking videos or lead tours, one of which included the participation of celebrities Susan Sarandon, Yoko Ono, and Sean Lennon. Cabot spokesman George Stark said the company is open to a modification of the injunction limiting it to actual gas facilities and the roads leading to them. "Cabot's primary concern is with operational sites where safety issues are concerned," he said, adding that Cabot supports freedom of expression. (Editing by Barbara Goldberg)

STATE COLLEGE CENTRE DAILY TIMES

NC pulls deal with Duke on coal ash pollution

North Carolina regulators said Friday they have asked a judge to withdraw a proposed settlement that would have allowed Duke Energy to resolve environmental violations by paying a \$99,000 fine with no requirement that the \$50 billion company clean up its pollution. The state Department of Environment and Natural Resources said in a statement that it would scuttle the proposed consent order to settle violations for groundwater contamination leeching from coal ash dumps near Charlotte and Asheville. The decision comes after a Feb. 2 spill at a Duke coal ash dump in Eden coated 70 miles of the Dan River in toxic sludge. North Carolina officials said they will now partner with the U.S. Environmental Protection Agency to pursue joint enforcement actions against Duke for Clean Water Act violations at Dan River and other sites. Duke operates 14 facilities in North Carolina with leaky unlined coal ash dumps, all of which have been cited for polluting groundwater. Duke was also cited this week for illegally pumping 61 million gallons of contaminated water from two coal ash dumps into a canal leading to the Cape Fear River. State officials touted the EPA's extensive experience from the ongoing cleanup in Kingston, Tenn., site of the largest coal ash spill in the nation's history in 2008. "The state's goal is to clean up both the Dan River and to protect public health and the environment at the other Duke Energy facilities around the state, and we are pleased to announce that the EPA will join us as we address these important issues," said Gov. Pat McCrory, a Republican. Before becoming governor, McCrory worked at Duke for more than 28 years. Records show the company and its employees have provided more the \$1.1 million to McCrory's campaign and GOP groups that supported his candidacy. The scuttled settlement was initially tabled Feb. 11, the day after The Associated Press published a story highlighting what environmentalists criticized as a "sweetheart deal" to the governor's former employer. The state only took legal action against Duke after a coalition of environmental groups represented by the Southern Environmental Law Center filed notice in January 2013 that they planned to sue Duke over its coal ash pollution under the Clean Water Act. The McCrory administration then used its

authority under the act to file state violations against Duke and then quickly negotiated the settlement — a move environmentalists contend was intended to shield the nation's largest electricity company from far harsher penalties it might have faced in federal court. Federal prosecutors are now conducting a criminal investigation of the Dan River spill and probing the relationship between Duke and the state officials charged with enforcing clean water laws. There have been at least 23 subpoenas issued since the spill and a grand jury met this week at the federal courthouse in Raleigh. McCrory and officials at the state environmental agency, which is known by the acronym DENR, have ardently defended the proposed deal with the company, even as they abandoned it. Frank Holleman, a senior lawyer at the Southern Environmental Law Center, welcomed what he termed as "a total reversal" of the state's position. "We hope that DENR will now work with us to enforce the law and force Duke Energy to clean up its illegal coal ash storage and move the ash to safe dry storage in lined landfills away from our rivers," Holleman said. "It is a shame that it took the Dan River spill and a federal criminal grand jury to get DENR to change course and that a year was lost while DENR tried to defend this now-defunct settlement."

DELAWARE CAPE GAZETTE

Scientists to address bays' water quality March 28 in Lewes

Three presentations related to water quality trends, nutrient monitoring and water quality modeling in the Inland Bays and Sussex County will be given at the next meeting of the Delaware Center for the Inland Bays Science and Technical Advisory Committee Friday, March 28, from 9 a.m. to noon, at the Department of Natural Resources and Environmental Control Lewes Field Station, next to the DNREC Boat Ramp, at 901 Pilottown Road in Lewes. The public is invited to attend. DNREC scientist Hassan Mirsajadi will present Updates on Water Quality Condition of the Inland Bays focusing on trends in nutrient concentrations and loads, and offering an overview of several management actions and their effect on water quality. Dr. Damian Brady of the University of Maine School Of Marine Sciences will speak about Water Quality Modeling in Delaware's Inland Bays: Where Have We Been and Where Should We Go? Brady will discuss the results of a CIB-funded project to assess the model and the data used to calculate the current Total Maximum Daily Load levels for the Inland Bays. TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still safely meet water quality standards. Dr. James Glancey of the University of Delaware will present his work on the Evaluation and Enhancements of the Chesapeake Bay Watershed Model for Predicting the Impact of the Poultry Industry on Water Quality. The Science and Technical Advisory Committee is a standing committee of the CIB Board of Directors. Presentations from past STAC meetings can be viewed at www.inlandbays.org.

Aquaculture workshop offers answers, raises new questions

LEWES — Dagsboro resident Terry Murray would love to try his hand at oyster farming, but a recent public workshop did little to ease his concerns over how Delaware's new aquaculture program is going to work. Murray doesn't like the idea that a Delaware waterman with a proven track record of success will receive no preference when it comes to leasing land. Raising the issue at a Feb. 26 workshop in Lewes, Murray asked state officials, "Why shouldn't the watermen get the first crack at it?" A waterman who has been fishing the Indian River Bay his whole life, he said, "I'm just worried that this program is not put together 100 percent." Murray

questions the process. If you're a watermelon farmer or raise cattle, you're going to get the same opportunity as an experienced waterman, he said, speaking to Delaware Department of Natural Resources and Environmental Control representatives at the meeting. Legislation creating shellfish aquaculture in Delaware was passed last year and DNREC is in the first stages of creating rules and regulations to implement the program. Leases will be sold by the state to farm in Rehoboth, Indian River and Little Assawoman bays. Murray was one of more than 50 people who attended a DNREC-sponsored workshop on the new program. This was the second workshop, and its purpose was to garner public comment. Murray was the most vocal and raised the most concerns over potential issues. "I'm going to bite the bullet and speak for the other watermen in here," he said. "If the state of Delaware is going to do aquaculture, why not get all the way involved?" Stewart Michels, DNREC fisheries program manager, and Zina Hense, DNREC environmental scientist, did their best to answer his questions, but both reiterated many answers are not yet available. Information that was available included leasing costs, total leased acreage allowed per applicant, the total percentage of bay land available for farming, and the species of shellfish allowed to be farmed. Hense also presented information comparing start-up costs in Virginia and North Carolina that suggest an applicant can expect to spend between \$40,000 and \$60,000. She said these costs were just estimates and they could vary significantly depending on a handful of things, such as whether the applicant already has a boat or has the ability to built oyster cages. The Center for the Inland Bays has identified locations in each of the three bays that would be suitable for shellfish farming called Shellfish Aquaculture Development Areas. In Rehoboth Bay, there are 260 acres among three locations that represent 4.3 percent of the total bay area. In Indian River Bay, there are 125 acres in two locations, representing 1.36 percent of total bay area. In Little Assawoman Bay, there are 227 acres among four locations that represent 9.3 percent of total bay area. Michels said the goal is to streamline the process for applicants who want to farm in these identified areas, saying permits would almost be rubber-stamped as long as the applicant fits the criteria. Farmers can raise shellfish outside the development areas, but a lot of the burden will be on them, Michels said, specifically pointing to getting approval from the U.S. Army Corp of Engineers and DNREC wetland permits. Increasing recreational traffic on the bays was an issue brought up by numerous people, but that issue didn't concern everyone. Billy Lucas of Dewey Beach grew up on the waters of Rehoboth Bay, which is where he would like to get a lease. "It's so shallow right there. There's not going to be a boating problem," he said. Lucas is excited about the opportunity to farm shellfish in Rehoboth Bay. "I think we'll be able to grow oysters in there. It would be great," he said. "The problem is, I think everyone is going to figure that out also and want to go there too." The next step in the shellfish farming program is the formal regulation process, which requires public notices and public hearings. Michels wasn't sure when then process would start. "It's a matter of converting the comments we've received into draft regulations, and I'm not certain how long it will take us. There's still a lot of work to do," he said. Dave Saveikis, DNREC Division of Fish & Wildlife director, said the goal is to have the program in place by this summer and to begin accepting lease applications by July.

Aquaculture by the numbers:

- Minimum lease acreage is one acre and the maximum any one applicant can apply for is five acres within Rehoboth and Indian River bays combined. An applicant who leases up to five acres in Rehoboth and/or Indian River bay may also lease an additional one to five acres in Little Assawoman Bay.
- The application fee for an aquaculture lease is \$300. The annual fee for a lease is \$100 an acre for a Delaware resident and \$1,000 an acre for a nonresidents.
- Initially farmers will be permitted to harvest the Eastern oyster in all three bays and hard clams in Little Assawoman Bay.
- Leases

issued in Rehoboth and Indian River bays will not exceed 5 percent of the total subaqueous lands within each bay. In Little Assawoman Bay, the maximum allowable acreage for leasing will not exceed 10 percent of the subaqueous lands.

CHARLESTON GAZETTE

Bureau for Public Health seeks data on chemical spill patients

State health officials are seeking patient data from physicians who might have treated people affected by the Jan. 9 chemical spill. The Charleston spill contaminated 300,000 people's tap water in nine counties. Bureau for Public Health commissioner Dr. Letita Tierney says in a news release that the state is reaching out to health care providers to obtain data on any patient who might have been exposed to the contaminated water. Letters have been sent to 865 physicians in the nine-county region asking them to voluntarily submit the data. Tierney says the bureau's focus has shifted from response to recovery. The recovery phase also will include results of a federal chart review of patients who visited emergency departments between Jan. 9 and Jan. 23.

Kanawha County maps out water threats

Kanawha County emergency officials are building a computer program to catalog hazardous storage sites that might threaten the county's waterways. C.W. Sigman, the county's deputy emergency services director, said emergency services and Metro 911 officials developed the computerized listing to keep track of hazardous materials that might spill into Kanawha County's water supply. He said County Commissioner Dave Hardy asked for the tracking system in the wake of the Jan. 9 Elk River chemical leak that poisoned the water supply of 300,000 West Virginia American Water customers in nine counties. "We need to be proactive and go find these facilities," Hardy said earlier this week. "It's surprising how many of these facilities there are." "We have several hundred in Kanawha County," Sigman said. "A lot of them are gas wells and the associated equipment, but there are a lot of chemical [storage] facilities, too." On Jan. 9, a storage tank containing the coal-cleaning chemical Crude MCHM leaked into the Elk River above West Virginia American Water's water intake in Charleston, contaminating the water supply for days. Many West Virginia American Water customers still don't trust the water supply and are using bottled water for cooking and drinking. Sigman said five water plants provide drinking water to Kanawha County residents, and all draw their water from rivers that flow through the county. Hardy and other county officials want a comprehensive list of all the facilities that could threaten that water supply. Sigman said emergency officials began with a list of hazardous storage sites provided to the West Virginia Division of Environmental Protection, then plotted the location of each on a computerized map system. Once up and running, it will be possible to select a location on the map and tell what materials are stored there. Emergency officials plan to debut the new system at a regular meeting of the Kanawha County Commission on Tuesday. Sigman warned that it's possible that not all potentially hazardous storage facilities have been reported to the state. "We're going to go out and check the sources and walk the rivers to see what else is out there," he said. Sigman said the hazardous-materials map will be incorporated into the county's Metro 911 computer system. Sigman said many of the rivers that flow through the county originate somewhere else and are subject to potential contamination upstream. However, he said, the new countywide system should give enough warning of a spill within the county's boundaries to prevent another calamity like the Jan. 9 leak.

CHARLESTON DAILY MAIL

More chemical data released

CHARLESTON, W.Va. -- New information released by the state Wednesday raises more questions about what exactly contaminated the tap water of 300,000 West Virginia residents. The state Division of Homeland Security and Emergency Management released the 2013 Tier II report filed by Freedom Industries for Etowah River Terminal, the site along the Elk River where the state discovered chemicals leaking Jan. 9. The report must be filed by any facility that stores at least 10,000 pounds of materials defined as "hazardous" under the federal Community Right to Know act. Facilities list the types and amounts of chemicals stored on-site in these reports. The U.S. Environmental Protection Agency changed the requirements for what needs to be included in the reports for 2013, said T.D. Lively, a spokesman for the division. Freedom filed the report Feb. 28, the day before the filing deadline. Freedom's 2013 report includes much more information about what might have been in Tank 396, the container from which at least 10,000 gallons of chemicals leaked through two small holes. The report lists only two substances that might have been stored in Tank 396 during 2013: MCHM or "Shurflott 944." Shurflott 944 is a trade name for a material, said Scott Mandirola, director of the DEP's Division of Water and Waste Management. He said he didn't know much else about it. The latest Tier II report lists the chemical components - something not included in reports for the site from 2007 to 2012 - of Shurflott 944. According to the report, the mixture includes 65 percent of 4-methylcyclohexanemethanol, the main component of MCHM. The Shurflott 944 also contains another 16 percent combined of two other materials also listed as components of MCHM, according to the report. However, the report says Shurflott contains 9 percent DiPPH and 7 percent PPH. It's the only material listed in the report for the site that contains PPH or DiPPH. Within hours of discovering the spill the state reported MCHM, a chemical with a licorice odor, had leaked into the Elk River. However, Freedom told the state on Jan. 21 the spill also contained an additional material. That material has been called both PPH and "PPH, stripped." Freedom President Gary Southern told the DEP in Jan. 22 letter the tank contained about 88.5 percent crude MCHM, 7.3 percent PPH and 4.2 percent water. "Our records and internal investigation indicate that there were no other materials in Tank No. 396 at the time of release," Southern said in the letter. Southern referred to a Material Safety Data Sheet provided to the state for PPH. The only sheet made available is for a product called "PPH, Stripped." The sheet doesn't list the components of the chemical, deeming it proprietary information. Southern declined comment Wednesday when contacted by the Daily Mail. Freedom told the DEP the compound contains DiPPH Glycol Ether and PPH Glycol ether, according to the Charleston Gazette. The report lists the specific names and percentages of components that make up MCHM as well. Freedom also identifies MCHM as a "mix" in the latest report; the previous six years Freedom listed it as a "pure" material. The Material Safety Data Sheet for MCHM includes a possible range of the amount of components that make up the chemical, but doesn't include any specific percentages. The percentages of components listed in the Tier II report fall in those ranges. The latest Tier II report says Shurflott 944 was on site 180 days during 2013. When it was on site, there was an average of as much as 499,999 pounds. MCHM was on site every day, at an average of as much as nearly 1 million pounds, according to the report. As is the case with MCHM, the report doesn't specify if Shurflott 944 was specifically in tank 395, 396 or 397, or if it was in a combination of those tanks. It also doesn't specifically state whether MCHM and

Shurflott 944 could have been in the same tank at the same time. Mandirola and a DEP spokesman said they hadn't seen the report. A group of independent scientists hired by Gov. Earl Ray Tomblin to study aspects of the spill released a report Monday concerning toxicity of chemicals believed to be involved in the leak. "Today, the exact chemical composition of the spilled liquid and what reached the drinking water taps of affected residents remains somewhat undefined," the West Virginia Testing Assessment Program study states. The study includes some general information on PPH and DiPPH, but acknowledges the exact composition of the mixture as it pertains to those chemicals "will likely need to come from Freedom Industries." Professor Andrew Whelton, an environmental engineer and one of the WVTAP coordinators, did not immediately respond to a request for comment as to how the new information included in the Tier II report might affect their project. A copy of the report can be viewed by clicking the link at the top of this story. The reports are expected to be a key component of emergency preparedness guidelines included in legislation crafted in the wake of the release. In an interview Wednesday morning, state homeland security and emergency management Director Jimmy Gianato said the state is moving toward requiring facilities to file these reports in an electronic form. Some of the reports are filed electronically but it's not mandatory, he said. Electronic filing would make the sharing of information included in the reports with public agencies or the public easier, Gianato said. The division is also looking at buying an electronic records system for the reports, he said.

RICHMOND TIMES-DISPATCH

Group wants to intervene in Dan River coal ash case

An environmental law group says it's getting involved in a case involving a Duke Energy coal ash pit that coated 70 miles of the Dan River spill with toxic sludge because it cannot count on state regulators to do the right thing. The Southern Environmental Law Center filed a motion Thursday to intervene in the state's enforcement action against Duke for pollution problems at the company's Dan River ash dump. It's the latest action filed by the group on behalf of environmental groups, which say regulators have not done enough to force Duke to clean up nearly three dozen leaky, unlined ash pits across the state. The group says regulators last year blocked them using the U.S. Clean Water Act to force the company to clean its coal ash pollution.

ASSOCIATED PRESS (VA.)

Regulators say Duke pumped coal ash into NC river

North Carolina regulators say Duke Energy must fix a crack in a dam at a coal ash dump where the company was caught illegally pumping 61 million gallons of contaminated water into the Cape Fear River. The state Department of Environment and Natural Resources on Friday approved Duke's emergency plan to repair the crack in the earthen dam at its Cape Fear Plant that holds back millions of tons of toxic coal ash. The plan calls for excavating dirt and then stabilizing the part of the dam where the crack formed. State inspectors say the dam is not in imminent danger of collapse. The new concerns come after a massive Feb. 2 coal ash spill at another Duke plant in Eden coated 70 miles of the Dan River in toxic sludge.

NEW YORK TIMES

E.P.A. Agrees to Join North Carolina in Reviewing Spill

The federal Environmental Protection Agency will join North Carolina regulators in addressing potential violations of the Clean Water Act at Duke Energy power plants, including a massive spill of toxic coal ash last month in the Dan River, state officials said on Friday. The secretary of the state's Department of Environment and Natural Resources, John Skvarla, invited the federal agency's "participation and coordination" in a March 14 letter to the head of its regional office, the state department said in a statement. The regional administrator, Heather McTeer Toney, accepted the offer on Monday. The statement left unclear the nature of the cooperation between the two agencies, but said they would "pursue a joint approach to enforceable resolution of violations" by Duke, the nation's largest electric utility. State regulators and Gov. Pat McCrory have come under sharp criticism from environmental activists and others over regulation of Duke, which maintains coal ash ponds at 14 active and decommissioned power plants. The state pressed Duke to stop leaks from some of the ponds last year only after environmental groups pledged to file a citizens' suit over the leaks under a provision of the Clean Water Act. After the Dan River spill, which spread as many as 82,000 tons of toxic ash over 70 miles of river bottom, a federal grand jury opened an investigation into relations between the state environmental department and Duke. Under Mr. McCrory, a Republican who took office last year, relations with the E.P.A. have sometimes been less than warm. The state last year turned down a \$582,305 federal grant to study streams and wetlands and monitor the impact on water quality of using fracking to drill for natural gas. In Friday's statement, Mr. McCrory said he was pleased by the E.P.A.'s decision to join the state, adding that it would "bring additional resources to help us resolve a difficult problem that spans more than six decades." Separately, the state said it was abandoning a consent order, sharply criticized by environmental groups, that would have fined Duke \$99,000 for pollution violations at coal ash ponds near Asheville and Charlotte without requiring cleanups at the sites. In a statement, regulators said they acted after a county superior court judge invalidated an interpretation of state groundwater law that was relied on in crafting the order.